



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(PENNS BEACH
MARINA/DREDGING,
BULKHEAD,REVTMENT,PIERS,BREAKWATER,
OUTFALL)02-61642-7

Comment Period: 22 July 2002 to 06 August 2002

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344) and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: Penns Beach Marina Inc
Attn: Mr. Wayne Bowie
411 Concord Street
Havre De Grace, MD 21078-3442

LOCATION: Chesapeake Bay, Harford County, Maryland

WORK: The applicant proposes, in accordance with the attached plans, to: A) Remove an existing sunken vessel and all existing deteriorated piers, bulkheads, and mooring piles; B) Dredge, by hydraulic or mechanical method, an 800-foot long by variable 200 to 260-foot wide marina basin to a depth of -5.0 feet below mean low water (MLW). The total area to be dredged is 76,544 square feet. The resulting approximately 5,300 cubic yards of dredged material will be dewatered on-site and will be utilized as backfill behind a proposed bulkhead and boardwalk; C) Construct approximately 1,737 linear feet of steel bulkhead a maximum of 18 inches channelward of an existing deteriorated bulkhead; D) Install approximately 594 linear feet of riprap within 8 feet channelward of the mean high water line along the river shoreline; E) Construct an 8-foot wide by approximately 270-foot long boardwalk containing a 10-foot by 40-foot "L" head and install 270 linear feet of riprap at the base of the new sheet piles; F) Excavate an approximately 30-foot wide by 220-foot long portion of land to a depth of -5.0 feet below MLW and replace with a 10-foot wide by 180-foot long floating concrete breakwater; G) Install two 45-foot long by 60-inch diameter concrete pipes to allow tidal flushing of the boat basin; H) Construct 5 piers containing a total of 95 boat slips; Pier A - 8 feet wide by 200 feet long, containing eleven 5-foot by 20-foot finger piers, a 6-foot by 48-foot "T" head, and 50 mooring piles for 26 boat slips, Pier B - 8 feet wide by 180 feet long, containing ten 5-foot by 20-foot finger piers, a 6-foot by 28-foot "L" head, and 45 mooring piles for 23 boat slips, Pier C - 100-foot long parallel pier containing three 5-foot by 20-foot finger piers and 12 mooring piles for 6 boat slips, Pier D - 8 feet wide by 200 feet long, containing eleven 5-foot by 20-foot finger piers, a 6-foot by 48-foot "T" head, and 50 mooring piles for 26 boat slips, Pier E - 220-foot long parallel pier containing six 6-foot by 20-foot finger piers and 27 mooring piles for 14 boat slips, and; I) Fill in two existing boat ramps and a travel lift. The proposed project site lies in or adjacent to essential fish habitat (EFH) as described under the Magnuson-Stevens Fishery Conservation and Management Act as a documented spawning and nursery ground for several species of anadromous fish. The project has the potential to adversely affect EFH by causing the loss of spawning and nursery habitat. Certain mitigative measures, such as time-of-year restrictions, will be included to minimize adverse effects to EFH. The purpose of the project is to perform maintenance and repair activities at an existing deteriorated marina.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Phil Cwiek at (410) 962-6010.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.